



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Assembly Bill 286

**Assembly Substitute
Amendment 1**

Memo published: June 21, 2001

Contact: Don Dyke, Senior Staff Attorney (266-0292)

Disposition of Town Property

Currently, the town meeting may authorize the town board to dispose of town property, other than property donated to and required to be held by the town for a special purpose. [s. 60.10 (2) (g), Stats.]

The **substitute amendment** deletes the authority of the town meeting to authorize the town board to dispose of personal property of the town (the authority in relation to real property is retained). Thus, the town board is free to dispose of town personal property without authorization of the town meeting.

Town Expenditures for Construction and Repair of Town Highways and Bridges

Currently, the town board is authorized to provide machinery, implements, material, and equipment for the construction and repair of town highways and bridges, but the total expenditure for these purposes may not exceed \$10,000 annually. [s. 81.01 (3) (intro.), Stats.] The town board may exceed the annual expenditure limit if a greater amount is authorized by the town meeting or by referendum. [s. 81.01 (3) (a) and (b), Stats.]

The **substitute amendment** replaces the \$10,000 annual limit with an annual limit that is the product of \$5,000 multiplied by the miles of highway under the jurisdiction of the town, as measured by the most recent highway mileage for the town calculated under the local roads inventory for transportation aids purposes. [See s. 86.302, Stats.] As under current law, the new limit may be exceeded if authorized by the town meeting or referendum. The substitute amendment also clarifies that the expenditure provisions apply to maintenance of town highways and bridges, in addition to construction and repair.

Compensation of Elected Town Officers Also Serving as Town Employees

Currently, the authority of an elected town officer to also serve as a town employee is, in some circumstances, unclear or prohibited. In addition, the method of compensating an elected town officer for service as a town employee is not expressly addressed in the statutes.

The **substitute amendment** expressly provides that the town board may employ any elected officer of the town. An elected town officer who also serves as a town employee may be paid an hourly wage for serving as a town employee, not exceeding a total of \$5,000 annually. Excluded from the \$5,000 limit are amounts received as compensation as a town officer or as a volunteer fire fighter, emergency medical technician, or first responder. (Currently, the latter volunteers may also hold an elective town office if their annual compensation as a volunteer, including fringe benefits, does not exceed \$2,500; see s. 66.0501, Stats.) The \$5,000 maximum hourly wage limit does include amounts paid to a town board supervisor who also acts as superintendent of town highways. The substitute amendment provides that the town meeting establishes the hourly wage to be paid an elected town officer for serving as a town employee unless the town meeting has delegated that authority to the town board (the authority for compensating town board supervisors who are serving as town employees may not be delegated by the town meeting).

Related provisions in the substitute amendment include clarification that it is compatible under law for an elected town officer to also serve as a town employee and be compensated for serving as a town employee under the terms of the proposal (see SECS. 4 and 7). Further, it is clarified that the current \$2,500 annual compensation limit for volunteer fire fighters, emergency medical technicians, and first responders who also hold an elected office in a city, village, or town includes the annual compensation “for one or more of those positions.”

Differences Between Substitute Amendment and Original Proposal

The substitute amendment:

1. Clarifies that the employment, compatibility, and hourly wage provisions under the proposal apply to the service of an elected town officer as a town employee.
2. Clarifies that the \$5,000 per mile expenditure limit for construction, maintenance, and repair of town highways and bridges is based on the total miles of highway in the town (not the miles constructed, maintained, or repaired in any year) and expressly links the miles of highway in the town to the local road miles inventory conducted for purposes of transportation aids calculations.

Assembly Substitute Amendment 1 was adopted by the Assembly on a voice vote on June 12, 2001.

DD:jal:wu;jal:wu